

YEAS—Messrs. Armstrong, Burroughs, Hill, Martin, Millican, Pirkey, Scott, Weatherford and Wren—9.

NAYS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hord, Lott, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Russell, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Whitaker and White—23.

On motion of Mr. Palmer, the bill was amended by adding: "Provided that the benefits of this act shall also be extended to the creditors whose claims have not been liquidated or sued upon and prosecuted to judgment, and no legal or just claim shall be barred against said company.

Mr. Grimes moved to amend the bill by striking out in the 3d Section, "and any other lands of the vacant domain of the State of Texas, not exempt by law from location"—adopted.

On motion of Mr. Palmer, the bill was made the order for to-morrow morning, 9 o'clock.

On motion of Mr. Taylor of Cass, the Senate adjourned till to-morrow morning, at 8 o'clock, by the following vote:

YEAS—Messrs. Armstrong, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, Martin, Maverick, Millican, Pirkey, Potter, Scarborough, Taylor of Cass, Taylor of Fannin, Truit and Whitaker—19.

NAYS—Messrs. Burroughs, Hord, Palmer, Russell, Scott, Taylor of Houston and Weatherford—7.

TUESDAY, July 22, 1856.

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain—roll called, quorum present.

The journal of yesterday was read and adopted.

Mr. Flanagan, Chairman of the committee on internal improvements made the following report:

The committee on internal improvements have had before them "An act to amend the caption and the first and sixteenth section of an act to incorporate the Texas Western Rail Road Company," approved Feb. 16th, 1852.

The committee have also had at the same time the veto of the Executive, and they have very deliberately and with great care examined closely the acts of the present company—they have also with much care examined the arguments and objections to the passage of the bill, by his Excellency—and after such investigation the committee came to conclusions very

different from those held by the executive. The committee are aware that there are prejudices surrounding this charter, and mainly from the fact that it proposes to be built on the line of 32°—on which it was fondly hoped the Pacific Road would be built, but whilst investigating this subject, they have to look to facts and not prejudices, and when they thus act, they readily find that no company has secured any right or privilege under the act of the Legislature, known as the Pacific charter, and that there is not even a bid for it. If so, his Excellency has not made it known, although in his veto message he remarks that it ought not to be continued in the way of other citizens, who may be willing to undertake the construction of such a work. If, as remarked, there are any such citizens, they are unknown to the committee, and it is well known that the charter has been open for bids for a great length of time. The committee further take into consideration the fact that the company has expended much money and have done considerable work on the road, and are daily at it with great perseverance. It is also known that this road is being built, as the executive says, on the ground that it was hoped the Pacific would be built, and what is found as an accompanying fact, that question is easily answered, that this road if built, as the committee think it will be, it is a saving to the State of above two millions of acres, this charter coming under the provisions of the general law, thereby receiving only sixteen sections to the mile, whereas the Pacific is entitled to twenty sections to the mile. It will be further recollected that this charter is the oldest, but in the great excitement about the time of the passage of the Pacific charter, rather than obstruct that great enterprize, the corporate parties yielded up their original rights, for the purpose of giving any company that might organize under the Pacific charter the right to build the road, but when they found, after great delay, that there was a failure, in that case went to work in good faith. The committee, from the investigation made, find no hidden secret pertaining to this enterprize, but all their acts and doings are free and open, and proclaimed to the world; and one great objection in the veto of his Excellency is obviated by the company having located the principal office at Marshall, in the county of Harrison, and a majority of the directory reside in the State; the great difficulty seems to be on the part of the company, a connection on the Eastern line of Texas, so as to enable them to lay down the iron for the first ten miles, which in the absence of this aid, and some other

fixtures, will cost the company some forty or fifty thousand dollars to lay it down by land carriage, and if the relief is granted, as sought, they will be doubly relieved, as the Vicksburg road is now being rapidly constructed to the State line, all things pertaining to this enterprize being fully discussed and considered, the committee came to the conclusion that it is a legitimate and worthy enterprize, and that the relief sought ought to be granted. They have therefore instructed me to report back the bill and veto, and to recommend the passage of the bill over the veto.

Mr. Russell from the committee on Private Land Claims No. 2, made the following report:

The committee on Private Land Claims No. 2, to which was referred the petition of F. Jones, praying for a grant of 3 certificates, for 1 league and labor each, instead of the certificates which were rejected by the travelling board, report that the committee can find no proof to sustain the granting of the relief sought, and therefore direct me to report the same back and recommend its indefinite postponement.

On motion of Mr. White the rule was suspended, the report and petition was taken up, and re-referred to the committee on Private Land Claims No. 1.

BILLS AND RESOLUTIONS.

Mr. McDade introduced a bill for the relief of Wm. Dean; read 1st and 2d times and referred to the Committee on claims and accounts.

ORDERS OF THE DAY.

A bill to establish a State University, together with the report of the committee on education, offering a bill appropriating \$400,000 as a permanent fund for the erection and support of a State University, as a substitute was read, and substitute adopted by the following vote:

YEAS—Messrs. Allan, Bryan, Burroughs, Caldwell, Grimes, Lott, McColloch, McDade, Palmer, Pirkey, Potter, Scarborough, Taylor of Cass, Whittaker and White—15.

NAYS—Messrs. Armstrong, Flanagan, Guinn, Martin, Maverick, Millican, Pedigo, Russell, Scott, Taylor of F., Taylor of H., Truitt, Weatherford, and Wren—14.

Mr. Flanagan offered the following amendment, "and that \$200,000 shall be appropriated to the building of a university in the 1st congressional district of the State, which said university shall be located at any place in said district that a majority of the voters may designate."

Mr. Potter offered as a substitute for the bill and amend-

ment, "A bill setting apart four hundred thousand dollars for university purposes." Adopted by the following vote:

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Grimes, Lott, McCulloch, Palmer, Potter, Scarborough, Taylor of Cass, Taylor of Houston, Whittaker and White—14.

NAYS—Messrs. Armstrong, Flanagan, Guinn, Martin, Maverick, Millican, Pedigo, Russell, Scott, Taylor of Fannin, Truitt, Weatherford and Wren—13.

Mr. Armstrong moved to amend the 1st section of the bill by adding—"and that said \$400,000 be distributed among the several counties of the State, according to white population, to be loaned to any counties for the construction of Rail Roads, using the interest for the purposes of common schools:

The President ruled the amendment out of order:

Mr. Taylor of Cass offered the following amendment, "Sec. ———; and that the sum of three hundred thousand dollars be and the same is hereby set aside and appropriated, for the erection of an insane asylum, to be located in the eastern congressional District.

On motion of Mr. Burroughs, the amendment was amended by striking out \$300,000 and inserting \$100,000.

Mr. Palmer offered the following as a substitute for the amendment as amended—"And the sum of \$100,000 for the purpose of establishing one or more insane asylums, to be established as hereafter determined by law."

On motion of Mr. McCulloch the amendment and substitute were laid on the table.

Mr. Lott moved a re-consideration of the vote adopting the substitute offered by Mr. Potter, lost by the following vote:

YEAS—Messrs. Flanagan, Guinn, Lott, Martin, Millican, Pirkey, Russell, Scott, Taylor of Fannin, Taylor of Houston, Truitt, Weatherford and Wren—13.

NAYS—Allen, Armstrong, Bryan, Burroughs, Caldwell, Grimes, McCulloch, Merrick, Palmer, Pedigo, Potter, Scarborough, Taylor of Cass, Whitaker and White—15.

Mr. Armstrong offered the following amendment, "strike out the word "university" wherever it occurs in the bill, and insert "common schools in the several counties of the State."

On motion of Mr. Allen the amendment was laid on the table by the following vote:

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Grimes, Guinn, Hord, Lott, McCulloch, McDade, Palmer, Pirkey, Potter, Scarborough, Taylor of Cass, Whitaker, and White—17.

NAYS—Messrs. Armstrong, Flanagan, Martin, Maverick, Millican, Pedigo, Russell, Scott, Taylor of Fannin, Truit, and Weatherford—11.

Mr. Flanagan offered the following amendment, "strike out all that conflicts herewith, and add, "of State Universities, one of which shall be in the first political division of the State, being the first congressional district, at any place that may be legally designated, and the 2d shall be located similarly, in the second political division."

Mr. Palmer moved to lay the amendment on the table. Lost by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Grimes, Hord, McCulloch, McDade, Maverick, Palmer, Potter, Taylor of Cass and White—13.

NAYS—Messrs. Armstrong, Flanagan, Guinn, Lott, Martin, Millican, Pedigo, Pirkey, Russell, Scott, Taylor of Fannin, Taylor of Houston, Truitt, Weatherford, Whitaker and Wren—16.

On motion of Mr. Bryan a call of the Senate was ordered. Absent, Messrs. Hill, Scarborough and Superviele.

On motion of Mr. Palmer, Mr. Superviele was excused.

A bill to encourage the improvement of the navigation of the rivers and other navigable waters of the State, by making appropriations for the same, with amendments from the House, read, and the first amendment of the House concurred in by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Flanagan, Grimes, Hord, Lott, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Scarborough, Scott, Taylor of Cass, Taylor of Houston, Truitt, Whitaker and White—23.

NAYS—Messrs. Armstrong, Caldwell, Guinn, Russell, Taylor of Fannin, Weatherford and Wren—7.

The 2d amendment of the House was then concurred in, by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hord, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Scarborough, Scott, Taylor of Houston, Truitt, Whitaker and White—22.

NAYS—Messrs. Armstrong, Guinn, Lott, Russell, Taylor of Cass, Taylor of Fannin, Weatherford and Wren—8.

The 3d amendment of the House was concurred in by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Hord, Lott, McCulloch, McDade, Martin, Palmer, Pedigo,

go, Pirkey, Potter, Scarborough, Scott, Taylor of Cass, Taylor of Houston, Truit and Whitaker—20.

NAYS—Messrs. Armstrong, Grimes, Guinn, Maverick, Millican, Russell, Taylor of Fannin, Weatherford, White and Wren—10.

On motion of Mr. Palmer, the vote concurring, the 3d amendment was reconsidered, and the amendment rejected by the following vote :

YEAS—Messrs. Taylor of Fannin and Weatherford—2.

NAYS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hord, Lott, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Russell, Scarborough, Scott, Taylor of Cass, Taylor of Houston, Truit, Whitaker, White and Wren—28.

The Senate then refused to concur in the 4th amendment by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Hord, McCulloch, McDade, Palmer, Pedigo, Pirkey, Potter, Scarborough, Scott, Taylor of Cass, Taylor of Houston, Truit, Whitaker and White—19.

NAYS—Messrs. Armstrong, Grimes, Guinn, Lott, Martin, Maverick, Millican, Russell, Taylor of Fannin, Weatherford and Wren—11.

The Senate then refused to concur in the 5th amendment by the following vote :

YEAS—Messrs. Hord, Taylor of Fannin and Weatherford—3.

NAYS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Lott, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Russell, Scarborough, Scott, Taylor of Cass, Taylor of Houston, Truit, Whitaker, White and Wren—27.

On motion of Mr. McDade, Mr. Hill was excused from attendance upon the Senate, in consequence of indisposition.

Mr. Allen, Chairman of the Committee on enrolled bills reported correctly enrolled, properly signed and this day presented to the Governor.

A bill to create and organize the eighteenth Judicial District, and to define the time of holding Courts therein, and

A bill for the relief of the heirs of Wm. Watson, deceased.

On motion of Mr. Caldwell, the call of the Senate was suspended.

A message was received from the House, informing the Senate, that the House concurred in the Senate's amendments, to

a bill to locate permanently, the county seat of Newton county, and also to a bill making appropriation for the per diem pay and mileage of the members, and the per diem pay of the officers of the sixth Legislature, and that the House had passed the following bills originating in the Senate:

A bill supplemental to and amendatory of an act to amend an act supplemental to an act to establish the Galveston, Houston, and Henderson Rail Road Company, approved January 10, 1854, and approved January 23, 1856.

And a bill to incorporate the Austin city bridge company,

And a bill to incorporate Payne Female Institute, with amendments, and

A bill to provide for the investment of the Special School Fund in the bonds of Rail Road Companies, incorporated by the State, with amendments.

On motion of Mr. Palmer,

A bill to provide for the investment of the Special School Fund, in the bonds of Rail Road Companies, incorporated by the State with amendments, was taken up and made the special order for to-morrow morning at 9 o'clock.

Mr. Palmer moved to reconsider the vote, rejecting the amendments to the river bill.

On motion of Mr. Taylor of Houston, the Senate adjourned until 8 o'clock to-morrow morning.

WEDNESDAY, July 23d, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Hill presented the petition of Wm. E. Howeth, referred to the committee on Private Land Claims No. 2.

Mr. Potter, chairman of the Judiciary committee, made the following reports:

The Judiciary committee have considered a bill to incorporate the Chappell Hill Male and Female Institute, approved February 9th, 1852, and find that the only object of the bill is to change the name of the corporation and make it an institution for the education of females. The committee see no objection to the proposed change, and therefore direct me to return the bill to the Senate and recommend its passage.

The Judiciary committee have considered a bill amending an act to change the sixth and ninth Judicial District of the